

March 30, 2017

David J. Smith  
Clerk of Court  
U.S. Court of Appeals for the 11th Circuit  
56 Forsyth St., N.W.  
Atlanta, Georgia 30303

Re: *People for the Ethical Treatment of Animals, et al. v. Miami Seaquarium, et al.*, Case  
No. 16-14814

Dear Mr. Smith:

Appellees, Festival Fun Parks, LLC, d/b/a Miami Seaquarium and d/b/a Palace Entertainment, write to the Court to address an error in their response brief. On page 10 of their reply brief, Appellants correctly note that the following sentence was on page 9 of Appellees' brief:

... "an organization does not suffer an injury in fact where it 'expend[s] resources to educate its members and others,'" even if "doing so subjects the organization to 'operational costs beyond those normally expended.'" *Food & Water Watch, Inc. v. Vilsack*, 808 F.3d 905, 919-20 (D.C. Cir. 2015) (original alteration; citations omitted).

Appellants are also correct in citing the source quotation from *Food & Water Watch, Inc.*: "an organization does not suffer an injury in fact where it 'expend[s] resources to educate its members and others' unless doing so subjects the organization to 'operational costs beyond those normally expended.'" 808 F.3d at 920.

Appellees had intended to include the following language in their brief:

... an organization "suffer[s] an injury in fact where it 'expend[s] resources to educate its members and others,'" if "doing so subjects the organization to 'operational costs beyond those normally expended.'" *Food & Water Watch, Inc. v. Vilsack*, 808 F.3d 905, 919-20 (D.C. Cir. 2015) (second alteration in original; citations omitted).

The error occurred during final revisions of the brief and was entirely inadvertent. Appellees appreciate Appellants' having brought this scrivener's error to their attention.

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Thank you for your consideration in this matter.

Respectfully submitted,

*/s/ Elliot H. Scherker*

Elliot H. Scherker

*Co-Counsel for Festival Fun Parks, LLC, d/b/a  
Miami Seaquarium and d/b/a Palace Entertainment*

cc: All Counsel of Record